

## PROCEEDINGS OF THE HISTORIC CONSERVATION BOARD

JUNE 5, 2000

The Historic Conservation Board met at 3:00 P.M., in the J. Martin Griesel Room, Centennial Plaza 11, with Messrs. Bloomfield, Kreider, Raser, Senhauser and Mmes. Borys, Spraul-Schmidt and Wallace present. Mr. Dale and Ms. Sullebarger were absent.

### **MINUTES**

The minutes of the April 24, 2000 meeting were approved as amended (motion by Spraul-Schmidt, second by Borys).

### **CERTIFICATE OF APPROPRIATENESS AND DEVELOPMENT PERMISSION IN ENVIRONMENTAL QUALITY DISTRICT #5, 503 TUSCULUM AVENUE, COLUMBIA-TUSCULUM HISTORIC DISTRICT**

After distributing drawings and photos, staff member Caroline Kellam summarized the staff report on a request for construction of two additions to the house at 503 Tusculum Avenue (zoned R-3). The northern half of the existing second floor rear deck will be removed and a new sunroom added. A new dining room that will be visible from the street will be added on the southeast corner of the house. Ms. Margaret Foster, the owner, was present to answer questions.

In response to a question by Mr. Raser about the proposed sideyard setbacks, Ms. Kellam said that she understands the plan was reviewed by the Zoning examiner and meets the requirements for R-3 zoning. Mr. Senhauser said that the plan has been reviewed by the city planning staff for conformance to the requirements of the Environmental Quality Hillside District and will also be reviewed by Buildings Inspections.

Ms. Kellam stated she has not received an elevation of the north side of the house showing the sunroom addition. Ms. Foster said the second-floor deck will not be visible from the street; Mr. Raser disagreed.

Ms. Foster said the exact type and style of windows is to be determined in consultation with the architect and Historic Conservation staff. Mr. Bloomfield suggested the latticework screen (under the dining room addition) suggested by staff is insufficient and a more substantial foundation is required. Mr. Kreider commented that a full foundation would interfere with the driveway which passes partly beneath the addition. Mr. Raser observed that, although the lot drops away from the street, the full height of the new addition is still visible from the street.

Mr. Senhauser noted that the windows shown in the drawing for the addition appear to be standard, double-hung window with a fixed transom above them; however, the windows presently on the east elevation of the house are full-length double hung windows. He suggested that the new windows be full-length, double hung windows to be consistent with the existing ones. Ms. Foster explained that she thinks the transom over the windows would permit better lighting and views. She said she preferred that configuration because it is reminiscent of the Palladian windows she originally wanted. Mr. Senhauser pointed out the transom lines become confused on the second floor. Ms. Foster said that at that level the interior floor was two steps below the elevation of the deck.

In response to Mr. Kreider's question, Ms. Foster said the windows on the house front are two over two original windows with one over one storm windows installed over the outside.

Members of the Board commented that the house has been greatly altered over the years; this makes establishing the original character of the house difficult. Mr. Kreider said the openings on the front of the house are characteristic of the house and the transoms over the windows are not.

Ms. Borys said she would prefer a masonry wall that would be more in keeping with the house on the west elevation of the dining room addition. Ms. Foster said the house has several different kinds of masonry walls. The Board agreed that a more substantial foundation is more appropriate for the dining room.

Ms. Foster explained that the Bradford pear and the evergreen tree on the north side of the property will remain. Another evergreen will be removed.

Mr. Raser summarized the issues the Board has with the present scheme:

1. A more substantial foundation is required under the dining room addition
2. Inconsistencies among openings on the second floor
3. Windows should be uniform in proportion and type throughout
4. Additional planting
5. Possible interference with neighbors' views.

Mr. Bloomfield suggested a more substantial foundation wall on the east that turns the corner to the south and continues along the south wall an appropriate distance (perhaps to the second pier, then stepped back to accommodate the driveway. He suggested the motion be tabled for two weeks to allow the architect to prepare more detailed drawings for the Urban Conservator and Board to review.

Ms. Foster explained that she has already disrupted her household by clearing furniture from the areas to be remodeled; waiting another two weeks will be a great inconvenience.

Mr. Raser moved to authorize the Urban Conservator to approve the final plan once the additional information and changes were submitted.

#### **BOARD ACTION**

After discussing the issues, the Board voted, six in favor, Borys opposed, (motion by Raser, second by Bloomfield) to

1. Approve an application for development permission for the proposed construction of an addition to the side and rear of 503 Tusculum Avenue in the Environmental Quality-Hillside District #5.
2. Authorize the Urban Conservator to approve a -Certificate of Appropriateness for the proposed additions to the side and rear of 503 Tusculum with the following conditions:
  - A. He is satisfied that the Board suggestions On these points are incorporated into the plans:
    - (1) The aesthetic mass underneath the dining room addition
    - (2) The appropriateness of the windows

- B. All new windows should be dark anodized aluminum to match the existing replacement windows: final window specifications must be submitted to the Urban Conservator for review and approval
- C. No salvaged wood is used in any new construction
- D. Owner/architect demonstrate the north elevation to the satisfaction of the Urban Conservator
- E. The final design and any revisions are reviewed and approved by the Urban Conservator prior to issuing a Certificate of Appropriateness and a building permit.

Mr. Garret Walker, Vice President of the Columbia-Tusculum Community Council, invited Ms. Foster to share her plans with the Council at its next meeting on June 19, 2000.

**CERTIFICATE OF APPROPRIATENESS & ZONING VARIANCE, 25 EAST 12TH ST.. OVER-THE-RHINE (SOUTH) HISTORIC DISTRICT**

Urban Conservator William Forwood distributed site plans and photographs of the site of the proposed parking lot for the Hale-Justis Building and summarized the staff report. No fence details have been submitted. He explained two things in the proposal that may be variables the occupant would like the opportunity to choose:

- 1. Trees may be placed outside the fence on the street if the occupant can gain City permission to make them street trees.
- 2. The sliding gate shown on the elevations may -be omitted, leaving a permanent opening.

The applicant and representatives of the abutting Germania Building attended a pre-hearing on May 31, 2000. The owners of the Germania expressed their concern at that meeting and in a subsequent letter of comment to the Board that

- 1. their building is protected against being struck by vehicles in the parking lot
- 2. there is some accommodation to the access to the rear of their buildings
- 3. the entryway into the parking lot is from Jackson Street so the traffic on Twelfth Street near their building is reduced.

Mr. Frutkin, the applicant, and Mr. Tom Patton and Mr. Lowell Orr, representing the owners of the Germania Building, were present to answer questions.

Mr. Bloomfield inquired about the landscape plan and suggested that item #5 of the staff recommendation be amended to require submission of the landscape plan to the Urban Conservator for approval before any work is undertaken on the site. He then inquired about the status of the installation of a chain link fence behind the Germania Building, approved by the Board several months ago. Mr. Forwood replied that the short piece of fence the Board approved is now in place.

The Board discussed a motion by Ms. Borys, seconded by Mr. Raser to accept the staff report as amended.

Mr. Frutkin explained that moving the trees outside the property line into the sidewalk area may permit additional parking spaces. He said the owner has agreed to incorporate all the suggestions made by the Urban Conservator and included in the staff report into the proposed project. He stated there is an issue with the Germania Building owners' request for blanket access rather than a specific

easement under normal terms. In response to a question by Mr. Bloomfield, Mr. Frutkin said his group has a 75-year lease with the City of Cincinnati on the Hale-Justis Building; he said there are no easements of record across the parking lot for access to the rear of the Germania Building. Mr. Frutkin says the Hale-Justis Building has permitted access to the Germania Building and other adjoining buildings.

Mr. Bloomfield asked whether there is an overall plan for the area; Mr. Forwood explained this issue will be addressed in the Over-the-Rhine Master Plan. Mr. Bloomfield commented that issues such as street trees should be treated as part of the overall plan.

Mr. Kreider suggested that moving the trees into the public right of way to permit access to the rear of the Germania and other buildings might be a persuasive argument for permitting the landscaping in the public right of way because it accommodates more than just this particular site. This could provide some pedestrian access behind the other buildings for getting the garbage out, although there has not historically been access.

Mr. Frutkin stated that the commercial tenant who occupies the first and second floors of the Hale-Justis Building has been promised 22 parking spaces; the proposed design for the parking lot provides 15 spaces. By double-parking and filling the lot to maximum capacity, more space can be available; a 5-foot border around the outside would give less space for parking.

Mr. Kreider suggested that by moving the handicap space to the other row, 1 more parking space might be added.

Mr. Senhauser said he is comfortable with the proposed parking lot design. Mr. Kreider suggested that the Board can approve the amended Certificate of Appropriateness and Zoning Variance with the recommended conditions. If the applicant subsequently gets approval for street trees, he will have to return to the Board with a revised parking plan.

Mr. Forwood explained that the only option that staff suggested was between gating and not gating the opening. Mr. Frutkin said he had put the fence out to bid at 6-feet. Mr. Forwood said that unless the fence is at least 4-feet, it will not be an effective screen at the street level.

Mr. Raser raised the question of putting the entrance on Jackson Street. Mr. Frutkin explained that he prefers the entrance be on Twelfth Street, a two-way street, rather than Jackson that is one-way; the existing entrance is on Twelfth Street.

Mr. Martin Wolf, representing the building abutting the Hale-Justis Building, said he is neither for nor against this item; he said he is at this meeting to get an update on construction activities on the building.

Tim Burke, Esq., representing the owners of the Germania Building, introduced himself and Mr. Thomas V. Patton, one of the partners who own and manage the building. He stated that his clients like what is happening in the neighborhood and to the Hale-Justis Building; they are glad the parking lot is to be paved and improved

of the lot without the necessary details such as landscaping plans, street trees, fence height or design, gate design or parking space configuration. He stated that for well over 30 years the Germania Building has had access to the area behind its building for handling garbage, etc., although there is no easement of record. He also stated that 30 years is more than enough time to have established a right to access that area for garbage handling.

Mr. Burke said that Over-the-Rhine is a unique mixture of commercial and residential use community and all the historic district and urban renewal guidelines refer to preserving the historic resources and mixed uses within the district.

Mr. Patton displayed several exhibits including a plaque that will soon be attached to the Germania Building describing its history; a brochure that highlights some of the building history and is distributed to children who visit; an application for a permit to replace a trash bin located behind the Germania Building in the area now being proposed for inclusion within the new parking lot; the permit that provides specifically for storage of trash where it has historically been and to which the only exterior access is through the property where the parking lot is now proposed; a letter from the Germania owners to the Urban Conservator enumerating their concerns about the parking lot and photos of the site.

Mr. Burke identified the following issues the Germania Building owners wish addressed:

1. The ability of the owners to continue, as they historically have, to have access to the rear of their building to maintain the wall and provide access for trash handling.
2. Wheel stops be required in the parking lot to protect the building. Mr. Burke said that if the wheel stops are installed 5 feet. from the building, a pathway approximately 3 feet wide would remain along the rear wall of the building to grant access
3. The loss of the truck loading zone on Twelfth Street that is needed in this commercial/residential area.
4. The location of the motor to operate the parking lot gate, if there is one. The Germania owners would like it as far away from their building as possible.
5. The Germania owners are willing to cooperate with the Hale-Justis Building developers and the City to save the proposed planting strip, perhaps by installing street trees, if they would maintain the access area behind the Germania Building.
6. Tabling this motion until the next meeting when the Hale-Justis Building architects can return to the Board with a more complete plan.

Mr. Bloomfield emphasized the need for more information and specific plans for this site and for a comprehensive landscaping plan for the larger area encompassing the site. He specifically wanted more information on street trees in the whole area, the location for the truck stop and a possible redesign of the parking lot plan. Mr. Senhauser commented that the glare reflected from cars in a parking lot is one of the major objections to parking lots; this is one of the reasons for landscaping to screen the parking lot.

Mr. Raser stated that the question of easements for access to the rear of the Germania Building is a matter that must be worked out among the property owners (one of whom is the City of Cincinnati) and ground lessees, not an issue for the Historic Conservation Board. Mr. Burke said that very frequently in discretionary

zoning areas where an applicant has been cooperative, the City has required landscaping on both the applicant's property and adjacent properties, things that essentially are easements.

**BOARD ACTION**

The Board voted unanimously (motion by Bloomfield/second by Borys) to table the motion until the staff and applicant can provide more information.

**CERTIFICATE OF APPROPRIATENESS, 1302 REGENT AVENUE, OLD BOND HILL HISTORIC DISTRICT**

Staff member Caroline Kellam provided the Board with the district guidelines and summarized the staff report on the application of the owners to construct a 6-foot high privacy fence. The new fence will be approximately 75-feet long and set back 5-feet from the sidewalk. Privacy, security and containing a pet are some of the reasons for the fence. Staff recommended reducing the fence to 4-feet and installing landscaping between the sidewalk and the fence. Tracey Willis, the property owner, was present to answer questions.

Ms. Kellam said fence would go to the top of the slope. Mr. Bloomfield suggested a privacy fence with more space between the upright boards, not a solid fence. Ms. Kellam added that notices of the pre-hearing went to neighbors and the community council; none of them responded.

Ms. Willis distributed pictures of fences on the same block and adjacent blocks; she said that neighbors are aware of the reasons for constructing the fence and are supportive. She also said that her dog could jump a 4-foot fence. Ms. Willis explained that a 4-foot fence will not provide the security and visual privacy she needs. The owners plan to landscape the area between the fence and sidewalk and stain the fence to make it more attractive.

Mr. Bloomfield commented that by installing an attractive fence that is not a solid wall, a property owner sends messages to people involved in undesirable activities that they are being observed and that the property owner cares about what is going on; he is not hiding.

**BOARD ACTION**

The Board voted, five in favor, Bloomfield against, (motion by Borys, second by Spraul Schmidt) to allow the applicant to construct a 6-foot fence, redesigned to reflect the Board's discussion, after the Urban Conservator approves the final design.

**CERTIFICATE OF APPROPRIATENESS AND ZONING VARIANCE, 3009 FAIRFIELD AVENUE, EAST WALNUT HILLS HISTORIC DISTRICT**

Urban Conservator William Forward presented photographs, a sealed site survey and a summary of the updated staff report on this application to approve a rear deck already in place. The application was tabled by the HCB at its March 13, 2000 meeting pending submission of more information. by the applicant.

Mr. Forwood said that:

- The entire deck is within the property line, but setback variances are required for the rear and side yards.
- Ms. Indu Bhardwaj, the adjacent property owner who had testified against the application at the March meeting, has no objection to the deck as it now stands.
- The side fence originally cited by the building inspector is a replacement; the new rear fence is on an adjoining property and is not within the historic district.

Mr. Theodore McConnell, the owner, was present to answer questions.

Ms. Dorothea Kennedy, representing the East Walnut Hills Assembly, spoke in favor of supporting the established guidelines.

### **BOARD ACTION**

The Board voted unanimously (motion by Bloomfield, second by Spraul-Schmidt) to

1. Approve a Certificate of Appropriateness for a 17'x11' wood deck at the rear of 3009 Fairfield Avenue where and as built on the condition that the applicant effect any changes required by the Department of Buildings Et Inspections to meet the building code
2. Approve Zoning Variances to allow a rear yard setback of 4.66' and a side yard setback of 1.39' to accommodate the rear deck in its present location.

Finding that granting such relief

- a) is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic, architectural, or aesthetic integrity of the district; and
- c) will not be materially detrimental to the public health, safety, and welfare or injurious to property in the district -or vicinity where the property is located.

### **ADJOURNMENT**

As there were no other items for consideration by the Board, the meeting adjourned (motion by Spraul-Schmidt, second by Raser).

---

William L. Forwood  
Urban Conservator

---

John C. Senhauser  
Chairman

Date\_\_\_\_\_